

H.790

Introduced by Representatives Pugh of South Burlington, Donahue of
Northfield, Fisher of Lincoln, Frank of Underhill, French of
Randolph, Haas of Rochester, Krowinski of Burlington, and
Mrowicki of Putney

Referred to Committee on

Date:

Subject: Human services; Reach Up; eligibility

Statement of purpose of bill as introduced: This bill proposes to disregard the
value of a participating family's assets and a certain percentage of a
participating family's earned income for the purpose of determining eligibility
and benefits in the Reach Up program.

An act relating to ~~Reach Up eligibility~~ *Reach Up, Reach Ahead, and the
Enhanced Child Care Services Subsidy Program*

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 33 V.S.A. § 1103 is amended to read:~~

~~§ 1103. ELIGIBILITY AND BENEFIT LEVELS~~

~~(a) Financial assistance shall be given for the benefit of a dependent child
to the relative or caretaker with whom the child is living unless otherwise
provided. The amount of financial assistance to which an eligible person is~~

1 ~~entitled shall be determined with due regard to the income, resources, and~~
2 maintenance available to that person and, as far as funds are available, shall
3 provide that person a reasonable subsistence compatible with decency and
4 health. The Commissioner may fix by regulation maximum amounts of
5 financial assistance, and act to ~~insure~~ ensure that the expenditures for the
6 programs shall not exceed appropriations for them consistent with section 101
7 of this title. In no case may the Department expend State funds in excess of
8 the appropriations for the programs under this chapter.

9 * * *

10 (c) The Commissioner shall adopt rules for the determination of eligibility
11 for the Reach Up program and benefit levels for all participating families that
12 include the following provisions:

13 (1) ~~No less than the first \$200.00 per month of earnings from an~~
14 ~~unsubsidized job and 25 percent of the remaining unsubsidized earnings shall~~
15 ~~be disregarded in determining the amount of the family's financial assistance~~
16 ~~grant.~~

17 (A) The Department shall disregard:

18 (i) all of a participating family's earned income up to 100 percent
19 of the Federal Poverty Level (FPL) during a participating family's first six
20 cumulative months in the Reach Up program;

1 ~~(ii) 75 percent of a participating family's earned income up to 100~~
2 percent of the FPL during a participating family's seventh, eighth, and ninth
3 months in the Reach Up program; and

4 (iii) 50 percent of a participating family's earned income up to 100
5 percent of the FPL after a participating family has exceeded nine cumulative
6 months in the Reach Up program.

7 (B) The family shall receive the difference between countable
8 income and the Reach Up payment standard in a partial financial assistance
9 grant.

10 (2) ~~No less than the first \$90.00 per month of earnings from a subsidized~~
11 ~~job shall be disregarded in determining the amount of the family's financial~~
12 ~~assistance grant. The family shall receive the difference between countable~~
13 ~~income and the Reach Up payment standard in a partial financial assistance~~
14 ~~grant. Earnings from subsidized all jobs, whether subsidized or unsubsidized,~~
15 shall qualify for federal and State earned income credit if the family is
16 otherwise eligible for such credit.

17 (3) Each family development plan shall provide for an incentive
18 payment to be paid to the participating family for completing a required
19 activity or task.

1 ~~(4) Education stipends, employment stipends, job training stipends, and~~
2 incentive payments, as determined by the Commissioner, shall be excluded in
3 calculating the financial assistance grant.

4 ~~(5) The value of assets accumulated from the earnings of adults and~~
5 ~~children in participating families and from any federal or Vermont earned~~
6 ~~income tax credit shall be excluded for purposes of determining continuing~~
7 ~~eligibility for the Reach Up program. The asset limitation shall be increased~~
8 ~~from \$1,000.00 to \$2,000.00 for participating families for the purposes of~~
9 ~~determining continuing eligibility for the Reach Up program. The Department~~
10 shall disregard the value of all assets held by members of a participating family
11 in determining eligibility and benefits under the Reach Up program.

12 (6) Transitional medical assistance of up to 36 months shall be provided
13 to families with a working adult who becomes ineligible for financial
14 assistance due to increased earnings, unless family income exceeds 185 percent
15 of the federal poverty level FPL, and provided that federal financial
16 participation is available for such transitional medical assistance.

17 ~~(7) The equity value of one operable motor vehicle in a family with a~~
18 ~~single parent or caretaker and of two operable motor vehicles in a two parent~~
19 ~~family shall be excluded for purposes of determining eligibility for the Reach~~
20 ~~Up program. The Commissioner shall take all steps necessary to retain current~~

1 ~~resource protections under the Food Stamps program so that the rules under the~~
2 ~~Food Stamps program and the Reach Up program are compatible. [Repealed.]~~

3 (8) An individual domiciled in Vermont shall be exempt from the
4 disqualification provided for in 21 U.S.C. § 862a.

5 * * *

6 Sec. 2. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

* * *

~~(e) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:~~

~~(1) No less than the first ~~\$200.00~~ \$300.00 per month of earnings from an unsubsidized job and ~~25~~ 50 percent of the remaining unsubsidized earnings shall be disregarded in determining the amount of the family's financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.~~

~~* * *~~

~~(5) ~~The~~ Up to \$5,000.00 of the value of assets accumulated from the earnings of adults and children in participating families and ~~from the value of~~ any federal or Vermont earned income tax credit shall be excluded for purposes of determining continuing eligibility for the Reach Up program. ~~The asset limitation shall be increased from \$1,000.00 to \$2,000.00 for participating families for the purposes of determining continuing eligibility for the Reach Up program.~~~~

~~* * *~~

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

~~(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by~~

~~knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.~~

~~(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:~~

~~(A) is in compliance with a family development plan or work requirement;~~

~~(B) is properly claiming a deferment, if applicable; and~~

~~(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and~~

~~(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.~~

~~(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.~~

Sec. 3. 33 V.S.A. § 1204 is amended to read:

§ 1204. FOOD ASSISTANCE

~~(a) An eligible family shall receive monthly food assistance equal to \$100.00 \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account for the first six months after the family has become eligible for Reach Ahead. For the seventh through 12th months, the family shall receive a monthly food assistance of \$50.00 while the family is eligible for Reach Ahead.~~

* * *

Sec. 4. RULEMAKING; OFFSET FOR EARNED INCOME DISREGARD

(a) In order to effect the increased earned income disregard established by this act and to make its impact fiscally neutral, the Commissioner for Children and Families shall amend the rules governing the Reach Up program pursuant to 3 V.S.A. chapter 25 to authorize the Department to:

(1) calculate an annual adjustment to Reach Up grants, excluding exempt grants, that accounts for the difference between an earned income disregard of the first \$200.00 earned per month from an unsubsidized job in addition to 25 percent of the remaining unsubsidized earnings and the first \$300.00 earned per month from an unsubsidized job in addition to 50 percent of the remaining unsubsidized earnings, which may be adjusted downward based on appropriated resources and projected program costs; and

(2) apply the adjustment described in subdivision (1) of this subsection to all Reach Up grants, excluding exempt grants, after need and benefit determinations are calculated.

(b) As used in this section, "exempt grants" means grants to children in the care of a person other than their parents and grants to participating families when a single parent or both parents receive Supplemental Security Income.

Sec. 5. EFFECTIVE DATES

(a) Except for Secs. 1 and 3, this act shall take effect on July 1, 2014.

~~(b) Except for Sec. 1(c)(1), Secs. 1 and 3 shall take effect on October 1, 2014.~~

~~(c) Sec. 1(c)(1) shall take effect on July 1, 2015.~~

~~*** Reach Up Earned Income Disregard and Counseling ***~~

Sec. 1. 33 V.S.A. § 1103 is amended to read:

§ 1103. ELIGIBILITY AND BENEFIT LEVELS

(a) Financial assistance shall be given for the benefit of a dependent child to the relative or caretaker with whom the child is living unless otherwise provided. The amount of financial assistance to which an eligible person is entitled shall be determined with due regard to the income, resources, and maintenance available to that person and, as far as funds are available, shall provide that person a reasonable subsistence compatible with decency and health. The Commissioner may fix by regulation maximum amounts of financial assistance, and act to ~~insure~~ ensure that the expenditures for the programs shall not exceed appropriations for them consistent with section 101 of this title. In no case may the Department expend State funds in excess of the appropriations for the programs under this chapter.

~~***~~

(c) The Commissioner shall adopt rules for the determination of eligibility for the Reach Up program and benefit levels for all participating families that include the following provisions:

(1) No less than the first ~~\$200.00~~ \$250.00 per month of earnings from an unsubsidized job and 25 percent of the remaining unsubsidized earnings shall be disregarded in determining the amount of the family's financial assistance grant. The family shall receive the difference between countable income and the Reach Up payment standard in a partial financial assistance grant.

* * *

Sec. 2. 33 V.S.A. § 1107(a) is amended to read:

(a)(1) The Commissioner shall provide all Reach Up services to participating families through a case management model informed by knowledge of the family's home, community, employment, and available resources. Services may be delivered in the district office, the family's home, or community in a way that facilitates progress toward accomplishment of the family development plan. Case management may be provided to other eligible families. The case manager, with the full involvement of the family, shall recommend, and the Commissioner shall modify as necessary a family development plan established under the Reach First or Reach Up program for each participating family, with a right of appeal as provided by section 1132 of this title. A case manager shall be assigned to each participating family as soon as the family begins to receive financial assistance. If administratively feasible and appropriate, the case manager shall be the same case manager

the family was assigned in the Reach First program. The applicant for or recipient of financial assistance, under this chapter, shall have the burden of demonstrating the existence of his or her condition.

(2) In addition to the services provided pursuant to subsection (b) of this section, the Commissioner shall provide for a mandatory case review for each participating family with a program director or the program director's designee when the family reaches 18 and 36 months of enrollment, respectively, in the Reach Up program to assess whether the participating family:

(A) is in compliance with a family development plan or work requirement;

(B) is properly claiming a deferment, if applicable; ~~and~~

(C) has any unaddressed barriers to self-sufficiency and, if so, how those barriers may be better addressed by the Department for Children and Families or other State programs; and

(D) has additional opportunities to achieve earned income through the program without a corresponding loss of benefits.

(3) The case manager shall meet with each participating family following any statutory or rule changes affecting the amount of the earned income disregard, asset limitations, or other eligibility or benefit criteria in the Reach Up program to inform the family of the changes and advise the family

about ways to maximize the opportunities to achieve earned income without a corresponding loss of benefits.

* * * *Earned Income Disregard Offset, Etc.* * * *

Sec. 3. 33 V.S.A. § 1204 is amended to read:

§ 1204. *FOOD ASSISTANCE*

(a)(1) *An eligible family shall receive monthly food assistance equal to ~~\$100.00~~ \$50.00 to be applied to the family's electronic benefit transfer (EBT) food account for the first ~~six~~ 12 months after the family has become eligible for Reach Ahead.*

(2) *For the ~~seventh~~ 12th through ~~12th~~ 24th months, the family shall receive a monthly food assistance of ~~\$50.00~~ \$5.00.*

* * *

(d) The 12th through 24th months of assistance shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the 12th through 24th months of assistance, the assistance shall be suspended or modified.

Sec. 4. *REACH AHEAD; GRANDFATHER PROVISION*

Notwithstanding 33 V.S.A. § 1204(a), any family within the first six months of its participation in the Reach Ahead program on July 1, 2015 shall continue to receive monthly food assistance equal to \$100.00 until its seventh month of

participation in the program, at which time it shall receive monthly food assistance equal to \$50.00 for the remainder of the initial 12-month period.

* * * *Enhanced Child Care Services Subsidy* * * *

Sec. 5. 33 V.S.A. § 3512 is amended to read:

§ 3512. *CHILD CARE SERVICES ~~PROGRAM~~ PROGRAMS*;

ELIGIBILITY

(a)(1) *A child care services program is established to subsidize, to the extent that funds permit, the costs of child care for families that need child care services in order to obtain employment, to retain employment or to obtain training leading to employment. Families seeking employment shall not be entitled to participate in the program for a period in excess of one month, unless that period is extended by the Commissioner.*

~~(b)~~(2) *The subsidy authorized by this ~~section~~ subsection shall be on a sliding scale basis. The scale shall be established by the Commissioner, by rule, and shall bear a reasonable relationship to income and family size. The lower limit of the fee scale shall include families whose gross income is up to and including 100 percent of the federal poverty guidelines. The upper income limit of the fee scale shall be neither less than 200 percent of the federal poverty guidelines nor more than 100 percent of the ~~state~~ State median income, adjusted for the size of the family. The scale shall be structured so that it encourages employment.*

(b)(1) An Enhanced Child Care Services Subsidy Program is established for families participating in the Reach Ahead program.

(2) The Enhanced Child Care Services Subsidy Program established by this subsection shall be administered by the Department's Child Development Division. The Commissioner shall adopt rules necessary for the administration of the program pursuant to 3 V.S.A. chapter 25.

(3) The subsidy authorized by this subsection shall be no greater than 100 percent of the subsidy provided in subsection (a) of this section.

(4) A participating family shall remain eligible for the Enhanced Child Care Services Subsidy Program between 12 and 24 months as long as one or more dependent children of a working parent or parents are receiving child care services. The Commissioner for Children and Families may extend the subsidy beyond 24 months if the Commissioners for Children and Families and of Finance and Management determine jointly that an extension can be accommodated within appropriated resources.

(5) The Enhanced Child Care Services Subsidy Program shall be funded through savings resulting from caseload reductions in the Reach Up program. If there are insufficient savings from caseload reductions to fund the program, the program shall be suspended or modified.

Sec. 6. 33 V.S.A. § 1205 is amended to read:

§ 1205. REQUIRED SERVICES TO PARTICIPATING FAMILIES

(a) The Commissioner shall provide participating families Reach Ahead services, case management services if necessary, and referral to any agencies or programs, including workforce development, that provide the services needed by participating families to improve the family's prospects for employment retention. Reach Ahead services shall be provided for ~~12~~ 24 months.

(b) A participating family shall be eligible for an Enhanced Child Care Services Subsidy during its 12th through 24th months on the Reach Ahead program pursuant to subsection 3512(b) of this title.

Sec. 7. INTERIM REPORT

The Department for Children and Families shall submit a written report to the Health Care Oversight Committee on or before November 1, 2014 regarding the estimated cost of the Enhanced Child Care Services Subsidy Program, the estimated cost of the increased Reach Up earned income disregard, and the projected caseload reduction savings in the Reach Up program.

Sec. 8. BUDGET PRESENTATION

The Department for Children and Families shall include as part of its fiscal year 2016 budget presentation to the General Assembly a preliminary estimate of the projected Reach Up program cost reduction associated with caseload estimates below the level appropriated for fiscal year 2015, the projected cost

of the increased Reach Up earned income disregard, and the parameters and cost projections for the Enhanced Child Care Services Subsidy.

** * * Report * * **

Sec. 9. REPORT; REACH UP EARNED INCOME DISREGARD

(a) The Commissioner for Children and Families shall explore the feasibility of implementing a transitional Supplemental Nutrition Assistance Program benefit that will allow the Department to draw federal funds. In particular, the Commissioner shall explore the extent to which additional federal funding in the Supplemental Nutrition Assistance Program could offset the cost of food assistance during the first five months of the Reach Ahead program and, consequently, free State funds to offset an increase to the earned income disregard in the Reach Up program. The Commissioner shall submit the report to the Health Care Oversight Committee on or before October 15, 2014.

(b) The Health Care Oversight Committee shall make recommendations based on the Commissioner's report to the committees of jurisdiction as part of its 2014 annual report.

** * * Effective Dates * * **

Sec. 10. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except that Secs. 1, 3, 5, and 6 shall take effect July 1, 2015.